

REMARKS

I. Status of Application

Claims 1-3, 5-10, 12, 13, 16 and 18 are all the claims currently pending in the present Application.

II. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-3, 5-10, 12, 13, 16 and 18 under 35 U.S.C. § 102(e) as allegedly being anticipated by Park et al. (U.S. Patent No. 6,625,094). Applicant respectfully disagrees.

For example, with respect to claim 1, Park fails to disclose, or even suggest, at least “**an alternative recording device** for executing an alternative recording for recording read data, which is read at the position of the defect, into the spare area of the rewritable recording medium, **if the recording position determining device determines that the new data is recorded at the position of the defect.**”

With respect to the previously filed Amendment, the Examiner responds that Park “teaches the writing on the defective block.” (See Office Action, Page 2). However, even if, *arguendo*, the Park reference taught this feature, there is simply no disclosure, or suggestion of what happens once data is actually written on the defective block. In fact, the “writing on the defective block” step of Park is an additional, optional, step to the method disclosed in Park. Specifically, Park recites that “the above method may **further include** the step of writing the data on the defective block as is.”

However, there is no disclosure of “determining [whether] the new data is recorded at the position of the defect.” Nor is there any disclosure of reading data at the position of the defect. Finally, there is simply no disclosure of an “alternative recording device”.

On the other hand, in at least one exemplary embodiment of the present invention, thanks to “an alternative recording device” of claim 1, the data recorded at the position of the defect is read and then newly recorded into the spare area while recording of other new data is not performed (See ¶ [0058] - [0060] of the present Application). Thus, in this exemplary embodiment, the data missing due to the defect on the recording medium can be prevented, as well as data involving the continuous recording or the real time recording, such as video or audio data, can be recorded in a temporally continuous manner. (See ¶ [0053] of the present Application). Additionally, in one exemplary embodiment, the data to be recorded into the spare area need not be preliminarily stored in the storing device. (See ¶ [0061] of the present Application).

For at least these reasons, Applicant respectfully asserts that claim 1 is allowable over the cited art of record.

With regard to claims 2-6, these claims depend from independent claim 1. As such, Applicant respectfully asserts that claims 2-6 are allowable at least by virtue of their dependency from claim 1.

With regard to independent claims 7, 9, 16 and 18, Applicant respectfully asserts that these claims are allowable at least for reasons analogous to those recited with respect to claim 1.

With respect to claim 8, this claim depends from independent claim 7. As such, this claim is allowable at least by virtue of its dependency from claim 7. With respect to claims 10-13, these claims depend from independent claim 9. As such, these claims are allowable at least by virtue of their dependency from claim 9.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Artem N. Sokolov
Registration No. 61,325

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 19, 2008